

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ARIEL ABITTAN,  
Plaintiff,

v.

LILY CHAO, et al.,  
Defendants.

and

EIAN LABS, INC.,  
Nominal Defendant.

Case No. 20-cv-09340-NC

**ORDER TO SHOW CAUSE  
WHETHER A NOMINAL  
DEFENDANT MUST CONSENT  
TO JURISDICTION**

Pending before the Court are Defendant Temujin Labs Inc. (Delaware)'s motion to dismiss, *see* ECF 36, and Temujin Labs Inc. (Cayman) and the two individual defendants' motion to dismiss, *see* ECF 53. Because the undersigned is a magistrate judge, the Court requires the consent of all parties before it may rule on the Defendants' motions. *See* 28 U.S.C. § 636(c); *see also Williams v. King*, 875 F.3d 500 (9th Cir. 2017); *Shetty v. America's Wholesale Lender*, 735 Fed. App'x 373 (9th Cir. 2018). However, nominal defendant Eian Labs, Inc. has not consented to magistrate judge jurisdiction. Without Eian Labs' consent, the Court may be required to reassign this case to a District Court Judge. *See id.* Thus, the Court ORDERS the parties to show cause whether the Court has

jurisdiction to proceed without § 636(c) consent from a nominal party. The parties must respond to this order within seven days, by **June 18, 2021**. Alternatively, the parties may obtain Eian Labs' consent or declination to magistrate judge jurisdiction.

**IT IS SO ORDERED.**

Dated: June 11, 2021

  
NATHANAEL M. COUSINS  
United States Magistrate Judge

United States District Court  
Northern District of California